

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

MILTON M. GREEN, JR.,

Plaintiff,

v.

Case No. 1:24-cv-00225-CCB-SLC

MICHELIN NORTH AMERICA INC.,

doing business as BF Goodrich Fort
Wayne Manufacturing, *also known as*
BF Goodrich Tire Manufacturing,
formerly known as The BF Goodrich
Company,

Defendant.

OPINION AND ORDER

Defendant removed this case from the Allen County Superior Court on May 31, 2024, alleging diversity of citizenship as the basis for jurisdiction under 28 U.S.C. § 1332. (ECF 1). Subject matter jurisdiction is the first issue that must be addressed, *Baker v. IBP, Inc.*, 357 F.3d 685, 687 (7th Cir. 2004), and thus, the Court raises the issue *sua sponte*, pursuant to Federal Rule of Civil Procedure 12(h)(3).

Defendant's diversity allegations in the complaint are lacking in one respect as to Plaintiff. Defendant alleges that "[o]n *information and belief*, Plaintiff is a citizen of Indiana" (ECF 1 ¶ 4 (emphasis added)). But "[a]llegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge." *Yount v. Shashek*, 472 F. Supp. 2d 1055, 1057 n.1 (S.D. Ill. 2006) (citations omitted); *see also Am. 's Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D. Ill. Oct. 28, 2004).

Therefore, Defendant is AFFORDED to and including June 25, 2024, to file a supplemental jurisdiction statement that adequately alleges Plaintiff's citizenship. *See Chase v. Shop 'N Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997) (stating that the party seeking to invoke federal diversity jurisdiction bears the burden of demonstrating that the requirement of complete diversity has been met).

SO ORDERED.

Entered this 18th day of June 2024.

/s/ Susan Collins
Susan Collins
United States Magistrate Judge